

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

PHYLLIS DRUMMOND,

Petitioner,

v.

PATRICK RYAN, Warden,
and **JOSEPH R. BIDEN, III**, Attorney
General of the State of Delaware,

Respondents.

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Civ. Act. No. 07-58-***

**SECOND MOTION FOR EXTENSION OF TIME TO FILE
CERTIFIED STATE COURT RECORDS**

1. The petitioner, Phyllis Drummond, has applied for federal habeas relief challenging her 2004 conviction and sentence for first degree robbery and wearing a disguise during the commission of a felony. D.I. 1. The undersigned filed an answer to the petition on July 6, 2007.

2. By the terms of the Court's order of July 9, 2007, the respondents were to file certified copies of the state court records material to the questions raised in the petitioner's appeal by August 17, 2007.

3. Due to scheduling problems and a burdensome caseload, the undersigned has been unable to obtain the certified state court records in order to file them tomorrow. The undersigned now anticipates obtaining and copying the records on or before September 7, 2007.

4. Respondents submit that an extension of time to September 7, 2007 in which to file certified copies of the material portions of the state court records in this case is reasonable.

Respondents submit herewith a proposed order.

/s/ Elizabeth R. McFarlan
Deputy Attorney General
Department of Justice
820 N. French Street
Wilmington, DE 19801
(302) 577-8500
Del. Bar. ID No. 3759
elizabeth.mcfarlan@state.de.us

Date: August 16, 2007

RULE 7.1.1 CERTIFICATION

I hereby certify that I have neither sought nor obtained the consent of the petitioner, who is incarcerated and appearing *pro se*, to the subject matter of this motion.

/s/ Elizabeth R. McFarlan
Deputy Attorney General

Counsel for Respondents

Date: August 16, 2007

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ORDER

This ____ day of _____, 2007,

WHEREAS, respondents having requested an extension of time in which to file certified state court records, and

WHEREAS, it appearing to the Court that the requested extension is timely made and good cause has been shown for the extension,

IT IS HEREBY ORDERED that certified state court records shall be filed on or before September 7, 2007.

United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2007, I electronically filed this motion for extension of time to file certified state court records with the Clerk of Court using CM/ECF. I also hereby certify that on August 16, 2007, I have mailed by United States Service, two copies of the same document to the following non-registered participant:

Phyllis Drummond.
SBI No. 241930
Women's Correctional Institute
660 Baylor Blvd.
New Castle, DE 19720

/s/ Elizabeth R. McFarlan
Deputy Attorney General
Department of Justice
820 N. French Street
Wilmington, DE 19801
(302) 577-8500
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